



LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7

SCHEDULE 7 – ELECTION OF MAYOR BY COUNCILLORS

(Clause 394)

Part 1 - Preliminary

1 RETURNING OFFICER

The general manager (or a person appointed by the general manager) is the returning officer.

2 NOMINATION

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 ELECTION

- (1) If only one councillor is nominated, that councillor is elected.

(2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

(3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this clause:

"ballot" has its normal meaning of secret ballot.

"open voting" means voting by a show of hands or similar means.

Part 2 - Ordinary ballot or open voting

4 APPLICATION OF PART

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 MARKING OF BALLOT-PAPERS

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

6 COUNT-2 CANDIDATES

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 COUNT-3 OR MORE CANDIDATES

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 - Preferential ballot

8 APPLICATION OF PART

This Part applies if the election proceeds by preferential ballot.

9 BALLOT-PAPERS AND VOTING

(1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

(2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

10 COUNT

(1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

(4) In this clause,
"absolute majority" , in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 TIED CANDIDATES

(1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal-the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes-the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 - General

12 CHOOSING BY LOT

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 RESULT

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

(a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and

(b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.

**ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
TO BE HELD AT COMMUNITY MEETING ROOM, LIBRARY COMPLEX,
LIBRARY COURT, HOLBROOK
ON WEDNESDAY, 19 JULY 2017**

**2. RESPONSE TO QUESTION ON NOTICE – BLACKBERRY INFESTATION LOT 6
DP 832658 - 207 FERNDAL ROAD, WOOMARGAMA**

Report by Director Environment and Planning - Colin Kane

REASON FOR REPORT

This report responds to a question on notice from Councillor Hicks seeking further information in response to a presentation made by a Mr Geoff Noakes to the Council's June Ordinary meeting where he indicated that he was refusing to pay land rates due to his perception that Council has not acted in accordance with the Weeds Act 1993 in relation to an infestation of blackberries on the neighbouring property at Lot 6 DP 832658 207 Ferndale Road Woomargama.

REFERENCE TO DELIVERY PLAN

Not applicable

DISCUSSION

At Council's June Ordinary Meeting Mr Geoff Noakes of 299 Ferndale Road Woomargama addressed Council to advise that he was refusing to pay his land rates due to Council's inaction in addressing a blackberry infestation at the neighbouring property which is Lot 6 DP 832658 207 Ferndale Road Woomargama.

This report will respond to the question on notice from Councillor Hicks requesting additional information in relation to this matter which will be provided by summarising the concerns of Mr Noakes, explaining the requirements for landholders to control of blackberry under the Noxious Weeds Act 1993 and then providing details of Council's activities in relation to the control of blackberries at Lot 6 DP 832658 207 Ferndale Road Woomargama.

From Mr Noakes presentation it is believed that his concern with Council was that it had failed to take action as it is required to do under the Noxious Weeds Act 1993 to have the neighbouring property owner control blackberries on their land. As a consequence he expended considerable amounts of money in controlling blackberries on his own property which justified not paying land rates to Council.

In order to respond to Mr Noakes assertions that Council had failed to enforce the provision of the Noxious Weeds Act 1993 it is necessary to consider Section 18 of that Act which is titled "*Local control authority may require owners or occupiers of land (other than public authorities or other local control authorities) to control noxious weeds*". Section 18(1) states "*A local control authority may, by notice (a weed control notice) given to an owner or occupier of land, require the owner or occupier to carry out any of the occupier's obligations to control noxious weeds on that land as required under a weed control order*". In both the title and the subsequent clause the word "may" is inserted which clearly means that Council is not compelled to take action under the Noxious Weeds Act 1993 in response to a weeds infestation.

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TO BE HELD AT COMMUNITY MEETING ROOM, LIBRARY COMPLEX,
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RESPONSE TO QUESTION ON NOTICE – BLACKBERRY INFESTATION LOT 6 DP 832658 207
FERNDALE ROAD WOOMARGAMA [CONT'D]

In the Greater Hume Shire Council area blackberries are a declared Class 4 – locally controlled weed which requires:

The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and where applicable:

- The plant must not be sold, propagated or knowingly distributed;
- Volunteer plants must be managed in a manner that continuously inhibits the ability of the plant to spread; and
- The plant must be controlled where it impacts on normal agricultural practices including cropping and pasture management.

The reason that Blackberries are a class 4 weed is that they are very widespread particularly in the eastern half of the Greater Hume Shire Council area making eradication extremely difficult. At best a process of reducing their impact can occur by controlling the isolated outbreaks and reducing the larger infestations by carrying out a perimeter control measure. Blackberries are very likely to spread aided by the berry fruit being eaten by native birds as well as feral animals eg foxes and dogs. The seed from the berry is then easily deposited over a large area in this way and may not be coming from the next door neighbour but in actual fact from a distance.

There are many other class 4 weeds within the Greater Hume Shire Council area that are equally as widespread such as African box thorn, galvanised burr, fire weed and St John Wort. Due to widespread nature of these weeds it has to be accepted by landowners that weeds can become established through many different pathways and if they wish to keep their property free of Category 4 weeds then they will need to undertake control measures.

It has been shown that Council was not compelled to take any action under the Weeds Act 1993 in relation to Mr Noakes' neighbour and that a landholder will always need to undertake their own measure to control category 4 weeds on their property. Notwithstanding these two points, Council has undertaken some compliance work at the neighbouring property at Lot 6 DP 832658 207 Ferndale Road Woomargama. A chronology of the compliance work undertaken by the Noxious Weeds Officer is **ENCLOSED SEPARATELY** for councillors' information.

There is a number of limiting factors that will mitigate Council's ability to provide enforcement of Category 4 weeds which include the fact that they are extremely widespread. Other factors are the size of the shire (5,746 km²) and the existence in the shire of many other destructive weeds that are categorised higher such as the Category 2 alligator weed and black willow. These weeds must be given the majority of Council's limited resources that are available for noxious weeds, due to significant impact of these weeds.

BUDGET IMPLICATIONS

There is a negative effect on Council's budget due to land rates being in arrears.

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RESPONSE TO QUESTION ON NOTICE – BLACKBERRY INFESTATION LOT 6 DP 832658 207
FERNDALE ROAD WOOMARGAMA [CONT'D]

CONCLUSION

This report has responded to the question on notice by summarising the concerns of Mr Noakes, explaining the requirements for landholders to control of blackberry under the Noxious Weeds Act 1993 and then providing details of Councils activities in relation to the control of blackberries at Lot 6 DP 832658 207 Ferndale Road Woomargama. From the report it is shown that Council should not condone Mr Noakes choosing to not pay his rates due to the situation concerning the blackberries at Lot 6 DP 832658 207 Ferndale Road Woomargama.

RECOMMENDATION

That the report be received and noted.

Document Control

Document Name	Document Version Number	Review Date
Delegation of Authority Mayor		September 18
Date Adopted	Minute Number	Summary of Changes
20 September 2017		Revised

In order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities, Greater Hume Shire Council, as provided under Section 377 of the Local Government Act, 1993, hereby delegates to the person holding the position of Mayor COUNCILLOR HEATHER WILTON and to the Deputy Mayor when acting in place of the Mayor, the following functions, duties and authorities as specified in Schedule 1 subject to the limitations specified in Schedule 2. This delegation shall commence on 20 September 2017 and remain in force until specifically altered or revoked in writing.

Schedule 1

1. To give effect to the provisions of the Local Government Act, 1993 and any other Act conferring powers or duties upon the Mayor and to any resolution of direction given to the Mayor by the Council.
2. To obtain legal advice from council's solicitor and/or the legal advisor of the NSW Shires Association.
3. To represent the council, in conjunction with the general manager, in deputations to government, inquiries, appropriate forums and at meetings of organisations which council has resolved to be a member of and for which an alternative delegate has not been specifically appointed.
4. To make media statements and issue media releases in respect of council decisions and relevant issues.
5. To carry out the general supervision, control and direction of the General Manager.
6. Appointment of an Acting General Manager for a period of up to 10 working days following a recommendation from the General Manager. Where possible an information report be submitted to Council on such appointments prior to the appointments taking effect.
7. To determine applications by the general manager for various classes of leave.
8. To determine, in conjunction with the general manager, requests from community groups for minor subsidies of up to \$300 and requests for *in-kind* assistance to an estimated value of \$300.
9. To authorise appropriate presentations to be made to visiting dignitaries and to residents in recognition of achievements and milestones.

10. To exercise the powers of expulsion from meetings of council pursuant to section 10(2)(b) of the Local Government Act for persons guilty of acts of disorder as prescribed in the Local Government (Meetings) Regulation 1999.
11. In conjunction with the General Manager, to engage consultants to undertake projects, on behalf of Council, in those circumstances where the Council does not have the capacity or expertise to undertake the project. However, other than in an emergency the engagement of a consultant must be in accordance with a decision of the Council, or a general budgetary provision. If there is no budget provision, the consultancy is not to exceed \$10,000.
12. To authorise any works deemed urgent within the sums provided in the Council's budget at a cost not exceeding \$20,000 in any particular situation.
13. To perform citizenship ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
14. Approve attendance by Elected Members and Senior Staff at conferences and seminars, etc. within NSW and the ACT to a maximum of three days and within budget provisions.

Schedule 2

Limitations

1. The following functions of Council are specifically excluded in accordance with Section 377 (1) of the Local Government Act, 1993.
 - The appointment of a general manager.
 - The making of a rate.
 - A determination under section 549 as to the levying of a rate.
 - The making of a charge.
 - The fixing of a fee.
 - The borrowing of money.
 - The voting of money for expenditure on its works, services or operations.
 - The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
 - The acceptance of tenders which are required under this Act to be invited by the council.
 - The adoption of a management plan under section 406.
 - The adoption of a financial statement included in an annual financial report.
 - A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
 - The fixing of an amount or rate for the carrying out by the council of work on private land.
 - The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
 - The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 92 A of the Environmental Planning and Assessment Act 1979.
 - The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.

- A decision under section 356 to contribute money or otherwise grant financial assistance to persons.
- The making of an application, or the giving of a notice, to the Governor or Minister.
- This power of delegation.
- Any function under this or any other Act that is expressly required to be exercised by resolution of the council.

End of delegation.

Adopted 17 August 2005
Minute No. 344
Reviewed 26 September 2007
Minute No. 1170
Reviewed 24 September 2008
Minute No. 1622
Reviewed 16 September 2009
Minute No. 2016
Readopted 15 September 2010
Minute No. 2438
Readopted 14 September 2011
Minute No. 2832
Readopted 19 September 2012
Minute No. 3199
Readopted 11 September 2013
Minute No. 3546
Readopted 17 September 2014
Minute No. 3880
Readopted 16 September 2015
Minute No. 4175
Readopted 21 September 2016
Minute No. 4483
Revised 20 September 2017
Minute No. xxxx

Document Control

Document Name	Document Version Number	Review Date
Delegation of Authority - General Manager		September 18
Date Adopted	Minute Number	Summary of Changes
20 September 2017		Revised

Greater Hume Shire Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities hereby delegates under Section 377 of the Local Government Act, 1993, to the person specified by resolution of the Council to have the functions of the GENERAL MANAGER, STEVEN PINNUCK and to the person holding the aforementioned position in an acting capacity the exercise of Council's powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2. This delegation shall commence on 20 September 2017 and remain in force until specifically altered or revoked in writing in accordance with a resolution of the Council.

Schedule 1

General

- Functions which relate to the role of the General Manager as specified in the Local Government Act 1993 its Regulations, Cognate and related legislation.
- For the purposes of Section 381 of the Act, The General Manager's delegated authority to act on behalf of Council includes all functions and powers conferred or imposed by any of the legislation set out from time to time in Section 22 of the Act, including but not limited to the following:
 - Biosecurity Act 2015
 - Companion Animals Act 1998
 - Companion Animal Regulation 2008
 - Crimes Act 1990
 - Community Land Development Act 1989
 - Conveyancing Act 1919
 - Contaminated Land Management Act 1997
 - Crown Lands Act 1989
 - Crown Lands Regulation 2006 and Crown Lands (General Reserve) By-Law 2006
 - Environmental Planning and Assessment Act 1979
 - Environmental Offences and Penalties Act 1989
 - Environmental Protection and Biodiversity Conservation Act 1999
 - Fines Act 1996
 - Fire Brigades Act 1989
 - Food Act 2003
 - Government Information (Public Access) Act 2009
 - Heritage Act 1977
 - Impounding Act 1993
 - Impounding Regulation 2008
 - Land Acquisition (Just Terms Compensation) Act 1991

- Land and Environment Court Act 1979
 - Library Act 1939
 - Local Government (General Regulation) 2005
 - Protection of the Environment Operations Act 1997, Protection of the Environment Operations Regulation 2000, Protection of the Environment Operations Amendment Act 2005 (POEO Amendment Act)
 - Public Health Act 1991
 - Recreation Vehicles Act 1983
 - Protection of the Environment Operations Act 1997
 - Protection of the Environmental Operations (Clean Air) Regulation 2010
 - Protection of the Environmental Operations (Noise Control) Regulation 2008
 - Protection of the Environmental Operations (Waste) Regulation 2005
 - Public Health Act 1991
 - Roads Act 1993
 - Roads Regulation 2008
 - Roads Rules 2008
 - Roads Transport (Safety and Traffic Management) Act 1999
 - Roads Transport (Safety and Traffic Management) Regulation 1999
 - Road Transport (General) Act 2005
 - Road Transport (General) Regulation 2005
 - Rural Fires Act 1997
 - Rural Fires Regulation 2008
 - State Emergency and Rescue Management Act 1989
 - Swimming Pool Act 1992
 - Threatened Species Conservation Act 1995
 - Unclaimed Money Act 1995
- Functions which relate to the role of the General Manager as specified in Council's adopted Codes, Policies and Procedures.
 - Functions relative to the achievement of performance objectives as listed in the General Manager's employment contract.
 - Authority to prepare submissions and make representations to Members of Parliament, Ministers of the Crown and Government Departments in accordance with policy and the best interests of Council.
 - Authority to execute documents, contracts and agreements on behalf of Council including those requiring the affixing of the Common Seal of the Council.
 - To affix the Common Seal of the Council in conjunction with the Mayor or Deputy Mayor to any necessary document pursuant to or consequent upon any decision of Council.

Administration

- To fulfill the responsibilities of Public Officer as defined in the Local Government Act 1993.
- To carry out the role of Privacy Contact Officer of Council.
- To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with any policy or resolution of the Council.
- To perform or authorise any action necessary to comply with any decision, policy or code of Council, any statutory requirements of the local Government Act or regulation or any other law, rule or regulation affecting Council.
- Reject any application within the prescribed period if it is not clear as to the approval sought or if it is not easily legible.
- Request any additional information that is reasonably necessary to determine any application.
- Subject to Council for its consideration any application or submission for a review of any decision or determination.
- To sign purchase orders on Council's behalf.
- To approve the use and arrange the lettings of the Council Chambers, meeting rooms and administrative buildings and approve or refuse such applications and apply any conditions of approval considered necessary.
- Authorised key personnel officer for the provision of Aged Care Services (as required by the Australian Government's Department of Health and Ageing) including authorisation to complete returns and legislative reports pertaining thereto.
 - Authorised representative to contact Centrelink and Department of Veteran Affairs with regard to confirming hostel bonds.
 - Nominated as the Authorised Officer under the Companion Animals Act 1998, No. 87.
 - Sign documentation on behalf of Family Day Care requiring the signature of the Coordinator and/or representative of the Licensee including funding agreements, grant applications and quarterly funding agreements.
 - Act as Council's Public Officer with authority to accept, consider and determine GIPA applications.
 - Reject any application within the prescribed period if it is not clear as to the approval sought or if it is not easily legible.
 - Request any additional information that is reasonably necessary to determine any application.
 - Subject to Council for its consideration any application or submission for a review of any decision or determination.

Animals

- Nominated as the Authorised Officer under the Companion Animals Act 1998, No. 87.

Animal Control

- To impound or seize any animals in accordance with the provisions contained in the Companion Animals Act 1998.
- To issue Penalty Infringement Notices where owners fail to comply with the necessary provisions of the Companion Animals Act 1998.
- To impound straying stock or abandoned articles in accordance with the provisions of the Impounding Act 1993.
- To make determinations in relation to declarations of dangerous dogs, objections from owners of proposed dangerous dogs and revocation of dangerous dog declarations in accordance with the Companion Animals Act 1998.

Approvals

- To consider any application for approval for any item in the Table of Approvals in Chapter 7 of the Local Government Act 1993:
 - 1) If in the opinion that such application can be approved, grant such approval either conditionally or subject to conditions, or
 - 2) If of the opinion that such applications should be refused report such matter to Council for its determination.
- Submit to Council for its determination any application "for approval in principle" or "stage approval".
- To approve of the use of swimming pools, recreation areas, etc., for any legitimate purpose and to accept and arrange lettings of the Council Chambers, and Administrative Buildings and approve or refuse such applications and apply any conditions of approval considered necessary.
- To grant approval for conduct of Street Stalls/Door Knock Appeals and allocate dates to applicant bodies.
- To approve the use of roads and streets for charitable and other legal purposes.
- Approve of the holding of festive celebrations such as Carols by Candlelight and the like in Council's Parks and Gardens.
- The power to determine an objection under Section 82(3) of the Local Government Act 1993 in relation to Council's Local Approvals Policy.

Biosecurity

- Appoint Authorised Officers under the *Biosecurity Act 2015* (the Act), pursuant to section 372 of the Act.

Building

- Make determinations in regard to the provisions of the Building Code of Australia (Administrative Provisions).
- To approve applications for Construction Certificates which comply in all respects with the Building Code of Australia, the Local Government Act 1993, as amended by the Environmental Assessment Act 1979 and Regulations, Council's Planning Controls and Policies and do not depart from the conditions and plans of development consent.
- The function of making recommendations for the purposes of Section 5 (1A) of the Building Professionals Act 2005 (Accreditation of Council Building Surveyors).

Bush Fire Hazard Reduction

- To make determinations, serve notices and review objections to notices where bush fire hazard reduction works are considered appropriate in accordance with Division 2 of the Rural Fires Act 1997.

Business Papers

- To determine the matters which are to be included in the Business Papers subject to the inclusion of the following items whenever they arise, namely:-
 - a) Reports on matters which cannot be determined under Delegated Authority.
 - b) Reports required to be submitted under any Act or regulation.
 - c) Reference to any deputations which the Council has agreed to receive.
 - d) Matters requiring a determination of policy.
 - e) Reports directed by Council to be submitted.
 - f) Matters essential for the Council's information.
 - g) Matters requiring a vote of money.
 - h) Matters where the General Manager is of the opinion that any application should be refused.

Certificates

- To issue any Certificate for which provision is made for the issue of Certificates by the Council under any Act or Regulation.
- To issue Certificates under section 603 of the Local Government Act, on behalf of Council.

Child Care

- Be authorised to undertake requirements as the Child Protection Disclosure Officer under the Child Protection (Prohibited Employment) Act, 1998 and Council's Child Protection Policy and Procedures.

Communications

- To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council if the Mayor is unavailable or if the Mayor so authorises.

Contracts

- To sign Contracts for the sale and purchase of land where the sale or purchase has been approved by Council.
- To approve and sign lease agreements for aged accommodation and low income rental properties.

Correspondence

- To reply to all routine correspondence not involving a monetary vote by Council, not effecting Council policy and not requiring the consideration of Council.

Dogs

- To declare a dog "dangerous" in accordance with the Companion Animals Act.

Environment

- Be authorised to issue Self Enforcing Infringement Notices under the Environmental Offences and Penalties Act.

Finance

- To authorise the payment of salaries and wages of the employees of the Council within the sums voted by the Council for expenditure thereon.
- To authorise payment of accounts in respect of works or votes authorised by Council or associated with the functions of Council.
- Determine requests for in kind assistance from locally based, not-for-profit organisations and citizens of the Shire where such works can be reasonably accommodated with the programs and budget of Council.
- To approve applications for extension of time to pay accounts where acceptable case is made out.
- To invest surplus Council funds in accordance with section 625 of the Local Government Act, Local Government Regulations and Council Policies.
- To sign cheques drawn on Council's bank account and authorise and transmit electronic transfers from Council's bank account in conjunction with any other person authorised to sign cheques or electronic transfers on Council's behalf.
- Refund of Trust Fund Deposits including Contract Deposits on the recommendation and certification of the appropriate servant.

Food Act 2003

- Pursuant to Section 377(1) of the Local Government Act 1993 Council resolve to delegate to the General Manager the power to appoint authorised officers under Section 114 of the Food Act 2003.
- Pursuant to Section 377(1) of the Local Government Act 1993 Council resolve to delegate to the General Manager the power to serve Prohibition Orders under Section 60 of the Food Act 2003.
- Pursuant to Section 378(a2) of the Local Government Act 1993, and conditional upon advice from the NSW Food Authority, Council resolve to approve the General Manager to sub-delegate the power to serve Prohibition Orders under Section 60 of the Food Act 2003 to the Director, Planning and Environment.
- Pursuant to Section 381(3) of the Local Government Act 1993 Council resolve to approve the NSW Food Authority's delegation to the General Manger to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and Standard 3.2.3 (clauses 10 and 14).
- Pursuant to Section 109E of the Food Act 2003, and conditional upon approval from the NSW Food Authority Council resolve to approve the General Manager to sub-delegate the power to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and standard 3.2.3 (clauses 10 and 14) to the Director, Planning & Environment.

Grants

- Submit grant applications on Council's behalf subject to any budgetary commitment being consistent with Council's Management Plan and Annual Budget.
- Sign Income and Expenditure Statements in relation to Grant applications.

Impounding

- To be an impounding Officer in terms of the Impounding Act 1993 and to implement the objects of the Act and carry out all functions of the Act as outlined in Section 3.

Insurances

- To affect appropriate and adequate property and indemnity insurance in respect to any property of or under the control and management of Council or any civil liability of Council which may arise in connection with the exercise of its powers and authorities, duties or functions.
- Sign insurance claim forms on behalf of Council.
- Negotiate settlement of all insurance claims up to the current excess applicable to each policy.

Legal Proceedings

- Institution of:-
 - a) To authorise the issue of any penalty notice on the laying of any information or complaint or the institution of any other proceedings pursuant to the Local Government Act for the recovery of any penalty or the making of any ORDER for or in respect of any offence, nuisance or any other matter or thing whatsoever which the Council might be entitled to recover to seek under any Act or Regulation.
 - b) In respect to the institution, conduct and defence of legal proceedings concerning Councils activities in any Court to instruct and engage Council's Solicitors and counsel where necessary.
 - c) Lay information and appear in Court on behalf of Council in respect of any offence which prosecution is authorised by Council or provided by section 684 and 687 of the Local Government Act.
- To obtain legal advice from Council's Solicitors or counsel where considered necessary.
- Authorise the institution of legal proceedings for the recovery of all outstanding rates and other debts owing to Council and take all necessary action to recover such debts in accordance with Council Policy, after consultation with Director Corporate & Community Services.
- Sign Court documentation and Summonses to the point of Garnishee Action. After consultation with Director Corporate & Community Services.

- Represent Council at proceedings in any court of competent jurisdiction in relation to the recovery of outstanding rates and all other charges in accordance with the provisions of Section 687 of the Local Government Act, 1993 after consultation with Director Corporate & Community Services.

Loans

- Make applications for loan funds on behalf of Council to various lending authorities up to the maximum borrowing limit as determined by the Department of Local Government and in accordance with the Council Management Plan and Council resolutions.

Orders

- In accordance with Section 124 of the Local Government Act 1993 and Section 121 of the Environmental Planning & Assessment Act 1979 to give notice to any person to whom in the opinion of the General Manager an Order should be given in respect of any matters contained in any Act or regulation that Council intends to issue an Order.
- To issue an order in accordance with the above notice and to report to Council the circumstances where an order has been issued.

Note

This delegation shall include but is not limited to the following Acts:-

- Companion Animals Act 1998
- EPA Act 1979
- Food Act 1989
- Impounding Act 1993
- Noxious Weeds Act 1993
- Protection of Environment Operations Act 1997
- Public Health Act 1991
- Roads Act 1993
- Swimming Pools Act 1992
- Waste Avoidance and Resource Recovery Act 2001

Planning

- Sign linen plans of subdivision upon certification that all Council requirements have been complied with or that satisfactory bonding arrangements have been entered into.
- Council accept the offered delegation for plan making function under Section 59 of the Environment Planning and Assessment Act 1979 made by the Minister for Planning and Infrastructure under Section 23 of the Environment Planning and Assessment Act 1979. In accordance with Section 381 of the Local Government Act 1993 Council delegate the offered plan making functions under Section 59 of the Environment Planning and Assessment Act 1979 to the General Manager.

- In accordance with Section 381 of the Local Government Act 1993 should the General Manager concur, the plan making function under Section 59 of the Environment Planning and Assessment Act 1979 be sub-delegated to the Director Environment and Planning.
- To approve of all Development Applications within the Greater Hume Shire Council and in accordance with Council's Local Environmental Plan subject to the following:
 - a) Where objections are received following notification procedures, application be brought to Council's attention. In situations where an objection is considered by the General Manager (in consultation with the Director Environment and Planning) to be vexatious in nature, then such will not act as a trigger for referral of the application to Council.
 - b) Any application recommended for refusal (except where refusal is recommended following two written requests seeking further information and that information has not been provided within the requested time frame).
 - c) Any application where the applicants seeks to depart from the standards contained in a development Control Plan or policy of Council (except for minor variations).
 - d) Any application where the applicant is objecting to a development standard contained in a local planning instrument in accordance with State Environmental Planning Policy (SEPP) 1.
 - e) Any application considered by the General Manager (in consultation with the Director, Environment and Planning) to be of significant public interest.
- Applications approved under this delegated authority shall be reported to the next monthly meeting of Council.
- Approve Complying Development Certificates.
- In relation to delegation of waiving of non-compliance with the Greater Hume Development Control Plan 2013:
 - a) in accordance with Section 377 of the Local Government Act 1993 Council delegate to the General Manager the ability to waive areas of non-compliance with the GHDCP 2013 where no submissions have been received to the neighbour notification of development applications and the objectives of the GHDCP 2013 are met; and
 - b) Council note that the General Manager will sub delegate this function to the Director Environment and Planning under Section 378 of the Local Government Act 1993.

Plumbing and Drainage Act

- in accordance with Section 381 of the Local Government Act 1993, Council delegate the offered functions under Section 21 of the Plumbing And Drainage Act 2012 to the General Manager.
- in accordance with Section 381 of the Local Government Act 1993 should the General Manager concur, the functions under Section 21 of the Plumbing And Drainage Act 2012 be sub-delegated to the Director Environment and Planning, Council's Building Surveyor and Environmental Health and Building Surveyor.
- Council authorise the affixing of the common seal upon all return correspondence to NSW Fair Trading.

Powers of Entry and Inspection

- To grant from time to time to any employee of the Council the authority vested in Council under the provisions of the Local Government Act or any other Act to enter and inspect premises and to carry out works deemed necessary.
- To enter upon any land or building, for the purpose of making an inspection, under any Act of Parliament, or any rule, Regulation, Ordinance or Bylaw under or pursuant to any such Act.

Private Works

- To reach agreement with the owner or occupier of any private land to carry out private works on the land in accordance with any fee scale set by Council.

Rating

- To categorise all rateable land according to Section 514 of the Local Government Act 1993.
- Determine the eligibility for farmland rating in accordance with section 515 of the Local Government Act 1993 subject to appeals against eligibility being referred to Council.
- To prepare and serve rate notices at any time following the making of the rate by Council.
- In relation to payment of rates by instalments to determine if extenuating circumstances exist when instalment payments are not made by the due date and decide whether the instalment will be accepted as a bonafide payment.
- To authorise the Institution of Legal Proceedings for the recovery of outstanding rates and other debts due to the Council.
- To amend or alter the rate book where necessary.
- To adjust, recover or refund rates in respect to land owned by the Crown.
- To issue rate notices requiring rents due and payable on land to be paid to Council in liquidation of outstanding rates.
- Authority to authorise the writing off of rates and charges where the amount of any individual rate or charge is less than \$1,000.

Records - Destruction and Disposal of

- Subject to any reasonable requests or lawful direction to the contrary to destroy or dispose of by other means, records of the Council subject to the requirements of any Act or regulation and the general records disposal schedule for Local Government Records in New South Wales.

Roads

- That the General Manager be an authorised Officer in terms of Section 251 of the Roads Act 1993.

- That the General Manager be the authorised Officer pursuant to Section 121(1) of the Road Transport (General) Act 2005 for the purpose of the following sections:

Section 136:	Direction to stop vehicle or combination: to enable exercise of other powers.
Section 137:	Direction to move vehicle or combination: to enable exercise of other powers.
Section 138:	Direction to move vehicle or combination: where danger or obstruction.
Section 140:	Manner of giving directions under this Division.
Section 171:	Authorised officer may require production of driver licence and name and address from driver or rider.
Section 173:	Authorised officer may require responsible person for vehicle and others to disclose identity of driver who commits offence.

Service of Notices

- To serve on any person or body on behalf of the Council in the prescribed format any notices required by or under any Act or Regulation or consequent to any decision of Council.

Staff

- To authorise approval of leave of absence for all Staff of the Council.
- To apply to wages and salaries any automatic award variations basic wage variation or cost of living adjustments subject to official notification from the Local Government NSW or Fair Work Australia legislation or total financial resource allocation in Council's Annual Budget.
- To approve attendance by Council Officers and Staff at Conferences and Seminars which are conducted by or endorsed by the Division of Local Government and other relevant authorities and/or Local Government NSW.
- To approve attendance by Staff at training courses included in Council's Staff Training Programme together with associated User Group Meetings and for which funds are available in Council's Budget.
- To authorise Council Staff to attend Professional Conferences in accordance with Council's policy.
- Deal with industrial disputes.
- Grant authority for the placement or Work Experience students, subject to such authorisation being in accordance with Council's policy. Such authorisation is to be undertaken in conjunction with accepted Human Resource Management guidelines.
- Approve and authorise payment of salary and wages to members of staff including overtime and time in lieu of payment.

Swimming Pools

- To exercise the functions of the Council under the Swimming Pools Act, 1992 including the power to appoint "inspectors" to perform the duties empowered by the Act.
- Affixing of the Common Seal of Greater Hume Shire Council upon certificates of identification to Council staff involved in undertaking functions under the Swimming Pools Act 1992.

Schedule 2

1. Council may by resolution direct the General Manager in the exercise of any function herein delegated.
2. The General Manager shall exercise the functions herein delegated in accordance with and subject to:
 - a) the provisions of the Local Government Act, 1993, as amended
 - b) the policies of the Council adopted by Resolution and current at the time of the exercise of the functions herein delegated.
3. Submissions received in response to a notice of intention to serve a Section 18 Notice being referred to Council for consideration.

Adopted 17 August 2005
Minute No. 344
Amended 16 November 2005
minute no. 437
Reviewed 26 September 2007
Minute No. 1170
Amended 21 November 2007
Minute No. 1250
Amended 24 September 2008
Minute No. 1622
Amended 16 September 2009
Minute No. 2016
Amended 15 September 2010
Minute No. 2438
Amended 14 September 2011
Minute No. 2832
Amended 19 September 2012
Minute No. 3199
Revised 11 September 2013
Minute No. 3546
Readopted 17 September 2014
Minute No. 3880
Readopted 16 September 2015
Minute No. 4175
Readopted 21 September 2016
Minute No. 4483